

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB JUNE 15, 00

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re *International Data Group, Inc.*

Serial No. 75/111,382

Mark Harrison of Venable, Baetjer, Howard & Civiletti, LLP
for *International Data Group, Inc.*

Alan C. Atchison, Trademark Examining Attorney, Law Office
102 (*Thomas Shaw*, Managing Attorney).

Before *Quinn*, *Hairston* and *Bucher*, Administrative Trademark
Judges.

Opinion by *Hairston*, Administrative Trademark Judge:

An application has been filed by International Data
Group, Inc. to register the mark WEB SHOPPER WORLD (WEB has
been disclaimed) for services which were subsequently
identified as "providing an on-line magazine in the field

of computers, high technology, communications and information systems, via a global computer network."¹

The Trademark Examining Attorney has refused registration under Section 6(a) of the Trademark Act in view of applicant's failure to comply with the requirement to disclaim WEB SHOPPER apart from the mark as shown. Although applicant has agreed to disclaim WEB, it is the Examining Attorney's position that SHOPPER must also be disclaimed as it is merely descriptive of the identified services within the meaning of Section 2(e)(1) of the Trademark Act.

Applicant has appealed. Briefs have been filed, but no oral hearing was requested.

It is the Examining Attorney's position that the word SHOPPER is merely descriptive of applicant's on-line magazine because it describes the intended users of the services, namely, shoppers in the field of computers, high technology, communications and information systems. In support of the refusal, the Examining Attorney has made of record four third-party registrations for marks which include the word SHOPPER. Registration No. 1,966,876 is for the mark THE SUNDAY SHOPPER CHANGING THE WAY AMERICA

¹ Serial No. 75/111,382, filed May 29, 1996, based upon applicant's bona fide intention to use the mark in commerce.

Ser No. 75/111,382

SHOPS for catalogs for at-home shopping in the field of general consumer merchandise, "THE SUNDAY SHOPPER" is disclaimed; Registration No. 1,902,646 is for the mark WAREHOUSE SHOPPER for mail-order and field sales catalogs, "SHOPPER" is disclaimed; Registration No. 1,752,060 is for the mark MW SHOPPER for a section of a magazine for people who purchase computers, "SHOPPER" is disclaimed; and Registration No. 1,242,814 is for the mark THE MISSCO SHOPPER GUIDE for newspapers, "SHOPPER" is disclaimed. According to the Examining Attorney, these third-party registrations demonstrate the descriptiveness of "SHOPPER" when used in connection with printed catalogs, magazines and newspapers. The Examining Attorney maintains that it is of no consequence that applicant's magazine is in electronic form whereas the publications in the third-party registrations are in printed form.

Applicant, in urging reversal of the refusal to register, argues that SHOPPER does not forthwith convey an immediate idea of the subject matter or any quality, characteristic, function or feature of applicant's on-line magazine. Applicant maintains that at most, the third-party registrations show that the term "shopper" may be descriptive of a printed publication dedicated to advertising or catalog sales, but such registrations do not

demonstrate that the term is descriptive of an on-line magazine.

It is well settled that a term is considered to be merely descriptive of goods or services, within the meaning of Section 2(e)(1) of the Trademark Act, if it immediately describes an ingredient, quality, characteristic or feature thereof or if it directly conveys information regarding the nature, function, purpose or use of the goods or services. See, *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). Further, a term that merely describes the relevant class of purchasers is merely descriptive because such information is a significant characteristic of any goods or services. *In re Camel Manufacturing Co., Inc.*, 222 USPQ 1031 (TTAB 1984).

In this case, we find that the word SHOPPER is descriptive of the services in the application. The word SHOPPER conveys the fact that shoppers in the field of computers, high technology, communications and information systems are the intended users of applicant's services. We note in this regard that applicant indicates in its brief that its services will have "something to do with the sale of computer products." (Brief, p. 4).

The third-party registrations relied on by the Examining Attorney are evidence of the descriptive

Ser No. 75/111,382

significance of the word SHOPPER as used in connection with catalogs and other printed publications which provide information on the sale of goods and services. We agree with the Examining Attorney that it is of no consequence that applicant's magazine is electronic, rather than printed in nature.

In sum, because the word SHOPPER names the relevant class of purchasers of applicant's services, the word is merely descriptive within the meaning of Section 2(e)(1) of the Trademark Act. See, *Hunter Publishing Co. v. Caulfield Publishing Ltd.*, 1 USPQ2d 1996 (TTAB 1986) [SYSTEMS USER merely describes those to whom magazine is directed, i.e., readers or subscribers]; and *In re Camel Manufacturing Company, Inc.*, supra [MOUNTAIN CAMPER merely describes the type of customers to whom applicant's retail and mail order services in the field of outdoor equipment and apparel are directed.

Ser No. 75/111,382

Decision: The refusal to register in the absence of a disclaimer of the term WEB SHOPPER is affirmed. Nonetheless, this decision will be set aside and applicant's mark published for opposition if applicant, no later than thirty days from the mailing date hereof, submits an appropriate disclaimer of WEB SHOPPER.

T. J. Quinn

P. T. Hairston

D. E. Bucher
Administrative Trademark Judges
Trademark Trial and Appeal Board

Ser No. 75/111,382